

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5455

AN ORDINANCE approving a Conditional Use Permit, with conditions, in the Matter of the Application of T-Mobile to Replace an Existing 68-Foot High Pole Topped by Three T-Mobile Antennas Collocated above Existing AT & T Antennas at the Power Substation Near the Corner of 156<sup>th</sup> Avenue SE and SE 16<sup>th</sup> Street, File No. 01-119261-LB.

WHEREAS, on November 30, 2001, T-Mobile submitted a Conditional Use Permit (CUP) Application to replace an existing 68-foot high pole topped by three T-Mobile antennas collocated above existing AT&T antennas at the power substation near the corner of 156<sup>th</sup> Avenue SE and SE 16<sup>th</sup> Street; and

WHEREAS, the application was deemed complete on March 19, 2002; and

WHEREAS, courtesy public hearings were held before the East Bellevue Community Council on October 1, 2002 and November 6, 2002; and

WHEREAS, a Determination of Non-Significance (DNS) pursuant to the State Environmental Policy Act (SEPA) was issued by the City on October, 17, 2002, which DNS was timely appealed by Peter W. Schroeder; and

WHEREAS, on November 7, 2002 and December 5, 2002, the Bellevue Hearing Examiner conducted a consolidated hearing on the SEPA appeal and the underlying CUP application recommendation, File No. 01-11926-LB, pursuant to notice as required by law; and

WHEREAS, on December 30, 2002, the Hearing Examiner issued his recommendation to deny the CUP application, followed by a denial of the SEPA appeal on February 22, 2003; and

WHEREAS, on February 28, 2003, Peter W. Schroeder withdrew his SEPA appeal; and

WHEREAS, the City Council held a hearing on the CUP recommendation on March 17, 2003, and remanded the matter to the Bellevue Hearing Examiner to take additional evidence on the location and potential impacts of the proposed T-Mobile facility and Bellevue Park Department policies regarding placement of WCFs on park property; and

WHEREAS, on May 14, 2003, the Bellevue Hearing Examiner took additional evidence on the remand issues; and

# ORIGINAL

WHEREAS, on May 28, 2003, the Bellevue Hearing Examiner issued Revised Findings, Conclusions, and Recommendation to approve the Conditional Use Permit Application with Conditions and a Revision of Recommendation after Hearing on Remand; and

WHEREAS, on June 23, 2003, the City Council considered the Revised Findings, Conclusions, and Recommendation to Approve the Conditional Use Permit Application with Conditions and the Revision of Recommendation after Hearing on Remand; and

WHEREAS, the City of Bellevue has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Code; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES  
ORDAIN AS FOLLOWS:

Section 1. In support of the decision herein approving the application, the City Council adopts the findings and conclusions of the Hearing Examiner as set forth in "Revised Findings of Fact, Conclusions of Law and Recommendation" and "Revision of Recommendation After Hearing on Remand" in the Matter of the Application of T-Mobile to Replace an Existing 68-Foot High Pole Topped by Three T-Mobile Antennas Collocated above Existing AT & T Antennas at the Power Substation Near the Corner of 156<sup>th</sup> Avenue SE and SE 16<sup>th</sup> Street, File No. 01-119261-LB, issued on May 28, 2003.

Section 2. The following conditions shall be imposed upon the project:

- 1) **Removal of Abandoned Sites:** The owner of this facility shall provide the Director with copies of any notice of intent to cease operations that is provided to the Federal Communications Commission (FCC). All WCFs and the associated equipment shall be removed by the facility owner within 90 days of the date it ceases to be operational, or if the facility falls into disrepair and is not maintained. Disrepair includes structural features, paint or general lack of maintenance, which could result in safety or visual impacts. (LUC 20.20.195 A(2)(j)(i); 20.20.195 A(2)(j)(ii))
- 2) **Disturbance:** The applicant shall fully restore, to the satisfaction of the City of Bellevue, any areas disturbed or damaged during construction or future maintenance of either the WCF or its associated equipment structure. (LUC 20.20.195 A(2)(a))
- 3) **Pole Height:** The plans submitted for Building permits shall be revised to show a maximum pole height of 90 feet. (LUC 20.20.195 A(2)(a))

ORIGINAL

- 4) **Panel Antennas and Cable:** The panels shall be mounted at no greater than six (6) inches from the pole and all cable shall be concealed within the pole. (LUC 20.20.195 A(2)(a))
- 5) **Paint to Match:** The panel antennas will be flush-mounted to the pole to minimize their profile and painted a non-glare color to match. The coaxial cables connecting the antennas to the equipment cabinets will be concealed beneath a cable tray painted a non-glare color to match the equipment shelter. (LUC 20.20.195 A(2)(a))

Section 3. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

Passed by the City Council this 7<sup>th</sup> day of July,  
2003, and signed in authentication of its passage this 7<sup>th</sup> day of July,  
\_\_\_\_\_, 2003.

(SEAL)

Connie Marshall  
Connie B. Marshall, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Lori M. Riordan  
Lori Riordan, Assistant City Attorney

Attest:

Myrna L. Basich  
Myrna L. Basich, City Clerk

Published July 11, 2003